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of previous assignment, brings an action to compel B to pay the debt due to him, C. *Held*, that the unconditional assignment of the policy by A to B did not constitute a "wager policy" or "speculative risk." This is not contrary to *Cammack v. Lewis*, 15 Wallace 643, as in that case the amounts of the debt and the assignment were disproportionate.

Rights and Liabilities of Co-Sureties.—*Pile v. McCoy*, 41 S. W. Rep. 1052 (Tenn.). Where one of the sureties of a guardian's bond receives the ward's money from the guardian for his own use, in consequence of which the guardian defaults, he is liable to this co-surety for the entire amount defaulted, especially if he has indemnified himself. This is true although the co-surety may have known and acquiesced in his receiving the money.

MINES.

Mining Claims—Location by Aliens—Subsequent Declaration of Intention.—*Lone Jack Min. Co. v. Megginson*, 82 Fed. Rep. 89. The declaration of an intention to become a citizen by an alien who has located a mining claim on public lands of the United States, made subsequent to his location of the claim, relates back to the time of such location and validates it, in the absence of intermediate adverse claims. Sec. 2319, Rev. St. declares that the mineral lands belonging to the United States shall be open to "occupation and purchase by citizens of the United States and those who have declared their intention to become such." But it has been held that an alien who locates a mining claim on public lands may hold his interest as against all the world, except the United States. *Billings v. Smelting Co.*, 51 Fed. 338. In *Manuel v. Wulff*, 125 U. S. 505, the conveyance of a claim by a qualified locator to an alien operated to transfer the claim to the grantee, "subject to question in regard to his citizenship by the government only." This case cited with approval the ruling in *re Krogstad*, 4 Land Dec. Dep. Int. 564, in which it was held that an alien having made homestead entry, and subsequently declared his intention to become a citizen, the alienage at time of entry would not, in the absence of an adverse claim, defeat the right of purchase. See also *Gouverneur's Heirs v. Robertson*, 11 Wheat. 332, and *Osterman v. Baldwin*, 6 Wall. 116, and the leading article on Mining Law in this issue of the YALE LAW JOURNAL.

Mineral Lands—Trespass.—*Lincoln Lucky Min. Co. v. Hendry*, 50 Pac. Rep. 330 (N. M.). The principle, "*Cujus est solum, hujus est usque ad cælum*," applies to land in general, and it cannot be contended that the rule is different when the lands in controversy are mineral in character, and that while a trespasser may have such possession of the surface of the earth as would enable him to maintain ejectment against a subsequent intruder who entered upon the surface and ousted him, yet that such possession may be insufficient to enable him to maintain ejectment against the same intruder if he enter beneath the surface upon a vein of mineral—and this without reference to the mining laws.

EVIDENCE.

Newly Discovered Evidence—Discovery of Lost Writing.—*Mercer v. King*, 42 S. W. Rep. 106 (Ky.). The finding of a lost writing after an action thereon, in which it was attempted to be proved by secondary evidence and there was a conflict of testimony as to some of its provisions, will entitle the unsuccessful party to a new trial on the ground of newly discovered evidence.